

REMARKS

Reconsideration of the rejections contained in the Office Action is respectfully requested. By this amendment claims 1-16 and 18-22 have been amended. Currently, claims 1-22 are pending in this application.

Rejection under 35 USC 102

Claims 11-15, 17-19, and 21-22 were rejected under 35 USC 102 as anticipated by Largman (U.S. Patent No. 7,137,034). This rejection is respectfully traversed in view of the amendments to the claims and the following arguments.

Claim 1 recites a “network element.” On page 1, lines 16-18, applicants define the term “network element” as “hubs, switches, routers, and other network devices, interconnected and configured to handle data as it passes through the network.” Largman describes a personal computer that is connected to a network. A personal computer does not handle data as the data passes through the network since the personal computer does not receive data and then re-transmit the same data on the network.

In the response to arguments section, the Examiner stated that Largman teaches a computer with a network card connected to the network. Hence, the Examiner concluded that the network card handles data as it passes through the network, since it is received by the computer via the network.

Applicants understand that the computer receives data over the network. However, to handle data as the data passes “through” the network applicants respectfully submit that a network element is required to both receive and transmit the same data on the network. However, to make explicit that applicants are focused on an intermediate network element such as a switch or router, applicants have amended the claim to recite a “router” or “switch” rather than a “network element.” In view of these amendments, applicants respectfully request that the rejection over Largman be withdrawn.

Rejections under 35 USC 103

Claims 1-2, 4-10, 16, and 20 were rejected under 35 USC 103 as unpatentable over Largman in view of Agnihotri (U.S. Patent 6,311,321).¹ Similarly, claim 3 was rejected under 35 USC 103 as unpatentable over Largman in view of Agnihotri, and further in view of Mumolo ("A Hard Real-Time Kernel for Motorola Microcontrollers"). These rejections are respectfully traversed in view of the amendments to the claims and the following arguments. Specifically, since both Largman and Agnihotri fail to teach or suggest implementing an intelligent interface in a router or switch, applicants respectfully request that the rejection of the claims over these combinations of references be withdrawn.

Conclusion

Applicants respectfully submit that the application is in condition for allowance and an action to this effect is respectfully requested. If there are any questions or concerns regarding the amendments or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

If any fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 141315 (Ref: NN-15990).

Respectfully Submitted

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¹ On page 5 of the Office Action the Examiner used the same patent number to refer to both Largman and Agnihotri. Applicants have assumed that the Examiner is referring to U.S. Patent No. 6,311,321 since that is the only "Agnihotri" reference of record. If there is another Agnihotri reference the Examiner is respectfully requested to contact the undersigned to enable applicants to file a supplemental amendment to address the alternate reference.